



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Vincent P. Stanton, Jr.                      Art Unit : 1634  
Serial No. : 09/638,267                                      Examiner : Chakrabarti, A.  
Filed : August 14, 2000  
Title : GENE SEQUENCE VARIANCE IN GENES RELATED TO FOLATE  
METABOLISM HAVING UTILITY IN DETERMINING THE TREATMENT OF  
DISEASE

**BOX RCE**

Commissioner for Patents  
Washington DC, 20231

SECOND DECLARATION REGARDING INCORPORATION BY REFERENCE

1. Applicant hereby declares that the sequence listing appended hereto consists of the same sequence information incorporated by reference into the above-captioned application by means of reference to the GenBank® Accession Number, U09806, for the methylenetetrahydrofolate reductase cDNA sequence.

2. The sequence of SEQ ID NO:1 in the appended Sequence Listing is the same as that associated with GenBank® Accession Number U09806 on July 20, 1998, the filing date of U.S. Serial No. 60/093,484, from which the present application claims priority. This particular version of GenBank® Accession Number U09806 is assigned the version identifier GI:945022. Exhibit A attached hereto is a printout from the GenBank® Database of GenBank® Accession Number U09806 [GI: 945022]. This printout shows that GenBank® Accession Number U09806 [GI: 945022] replaced an earlier version of the sequence U09806 [GI:499223] on August 17, 1995. Exhibit attached hereto B is a printout from the GenBank® Database of Accession No. U09806 [GI:6174884] showing that it replaced GenBank® Database of Accession No. U09806 [GI:945022] on November 2, 1999.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

September 10, 2003

Date of Deposit

Signature

Typed or Printed Name of Person Signing Certificate

*Carrie A. Amonte*

*Carrie A. Amonte*

3. In my first Declaration regarding Incorporation By Reference filed on June 19, 2002, I mistakenly stated that the sequences in the Sequence Listing appended thereto were those incorporated by reference to GenBank® Accession numbers in the above-referenced application. However, for GenBank® Accession number U09806, the Sequence Listing appended to my June 19, 2002 Declaration Regarding Incorporation by Reference had the incorrect version of GenBank® Accession number U09806, namely, GenBank® Accession number U09806 [GI:6174884] rather than GenBank® Accession number U09806 [GI:945022]. This error was made without deceptive intent.

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

\_\_\_\_\_  
Date

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Vincent P. Stanton, Jr.